

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 36, “Discipline,” Iowa Administrative Code.

This amendment was approved at the November 19, 2014, regular meeting of the Board of Pharmacy.

The proposed amendment provides clearer and more direct references to certain common violations by licensees or registrants for use by the Board when initiating and hearing disciplinary action. With respect to the addition of the submission of a false certification of continuing education as a ground for discipline, pharmacist licensees are now required to utilize the CPE Monitor for documenting the completion of continuing education requirements for licensure, and upon license renewal, pharmacists may now submit a certification of completion in lieu of reporting each educational program completed.

This rule does not provide for waiver or variance. The Board simply, by means of deciding not to initiate disciplinary action against a licensee or registrant based on any of the listed grounds for disciplinary action, implies a waiver or variance of the specific ground for disciplinary action.

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on January 15, 2015. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by e-mail to terry.witkowski@iowa.gov.

A public hearing will be held on January 15, 2015, at 11 a.m. in the shared conference room at the Board of Pharmacy office, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa, for the purpose of receiving oral and written comments. Interested persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 147.55, 272C.3, 272C.5, 155A.15, 155A.23, 126.3, 124.304, and 124.401 to 124.407.

The following amendment is proposed.

Amend subrule 36.1(4) as follows:

36.1(4) *Grounds for discipline.* The board may impose any of the disciplinary sanctions set out in subrule 36.1(2) when the board determines that the licensee, registrant, or permittee is guilty of the following acts or offenses:

a. to n. No change.

o. Submission of a false report of continuing education, submission of a false certification of completion of continuing education, or failure to submit biennial reports of continuing education as directed by the board.

p. to t. No change.

u. Violating any of the grounds for revocation or suspension of a license or registration listed in Iowa Code sections section 147.55, 155A.12, and 155A.15 Iowa Code chapter 155A, or any of the rules of the board.

v. to ah. No change.

ai. Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

aj. Obtaining, possessing, or attempting to obtain or possess prescription drugs without lawful authority.

- ak. Diverting prescription drugs from a pharmacy for personal use or for distribution.
- al. Practicing pharmacy, or assisting in the practice of pharmacy, while under the influence of alcohol or illicit substances.
- am. Practicing pharmacy, or assisting in the practice of pharmacy, while under the influence of prescription drugs or substances for which the licensee or registrant does not have a lawful prescription or while impaired by the use of legitimately prescribed pharmacological agents, drugs, or substances.
- an. Forging or altering a prescription.
- ao. Practicing outside the scope of the profession.
- ap. Dispensing, or contributing to the dispensing of, an incorrect prescription, which includes, but is not limited to, the incorrect drug, the incorrect strength, the incorrect patient or prescriber, or the incorrect or incomplete directions.
- aq. Failing to comply with a confidential order for evaluation.